

STATE OF COLORADO

Colorado Department of Agriculture

www.colorado.gov/ag

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Plant Industry Division

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October 6, 2008



Bill Ritter, Governor
John R. Stulp, Commissioner

Dear Colorado Pesticide Dealer:

We recently promulgated changes to the rules for the Colorado Pesticide Act. These rule changes took effect on September 30, 2008 and include some additional record-keeping requirements for federal and state restricted use pesticides.

The rules where changed as follows:

1. Part 10 was amended by inserting a new 10.1(e), to specify conditions to allow distribution of repaired bags of granular pesticides.
2. Part 10 was amended by adding a new 10.3, to require that spilled pesticides from broken containers must be cleaned up immediately and disposed of according to all applicable laws and regulations
3. Part 13 was amended by rewording 13.1, and inserting a new 13.2. These changes clarify that:
 - a. State or Federal Restricted Use Pesticides can only be distributed to licensed dealers, licensed applicators, or their authorized agents.
 - b. Federal or State Restricted Use Pesticides can only be distributed to applicators that are licensed in the appropriate category to apply that pesticide.
4. Part 13 was amended to clarify and expand record-keeping requirements of licensed pesticide dealers.
 - a. 13.3(a) was reworded to include the requirement to record the name of the licensed applicator, the name and address of the applicators principle place of business.
 - b. 13.3(f) was added to allow distribution to a licensed applicator via an authorized agent. Additional record-keeping is required for such distributions:
 - i. The name and address of the authorized agent
 - ii. A record of the applicator's license.
 - iii. A written authorization statement signed by the licensed applicator.

We have enclosed the following:

1. The complete text of the revised Part 10 and Part 13 of these rules.
2. An example of a letter designating an authorized agent of an licensed applicator.
3. An example of an RUP purchase log that could be used to record all of the required record-keeping requirements

The examples of a purchase log and authorization letter form are provided for your convenience, but dealers and applicators are not required to use these forms.

A complete copy of the pesticide act and these rules should be available from our website soon. We also plan to post the examples of the letter of authorization and RUP log on our website.

I can be reached at (303) 239-4147 if you have further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Laura Quakenbush". The signature is fluid and cursive, with the first name "Laura" written in a larger, more prominent script than the last name "Quakenbush".

Laura S. Quakenbush, Ph.D.
Pesticide Registration Coordinator

Pesticide Act, Rules and Regulations
8 CCR 1203-1, Part 10 and Part 13.

Part 10 and Part 13 were modified with rule changes that took effect on September 30, 2008.

Part 10. Distribution.

10.1. No person or business shall distribute any of the following:

- (a) Any pesticide or pesticide product which does not conform to its purported standard of quality.
- (b) Any pesticide or pesticide product except in the manufacturer's or registrant's original unbroken package, except for bulk and there is affixed to such container a registered label.
- (c) Any pesticide or pesticide product which is not labeled, or on which the label is illegible in any respect.
- (d) Any pesticide or pesticide product on which the caps, lids, or other sealing devices on the container are not tight or secure. Defective, unsound or broken containers shall not be placed on display, sold, offered for sale or transported.
- (e) Bags containing granular ready-to-use pesticides (including ready-to-use combinations of pesticide and fertilizer ingredients) shall not be considered broken if they are repaired in accordance with following criteria.
 - i. Any repairs to a broken bag must be sufficient to return the bag to its original condition of soundness such that no leakage can occur when the bag is subjected to normal handling.
 - ii. No repair may be made to a broken bag if the damage measures more than 3 inches in any dimension.
 - iii. All words, numbers, and warning symbols on the product bag must be legible and not obscured by the repair in any way.
- (f) Any pesticide or pesticide product which is misbranded or adulterated.
- (g) Any pesticide or pesticide product which has not been registered in accordance with the provisions of the Act.

10.2. Failure of any person or business to cease distributing any pesticide or pesticide product or device on which a written or printed cease and desist order has been

issued in accordance with the Act shall be sufficient reason for the department to enjoin said distribution.

- 10.3 Any pesticide that spills from a broken container in any area where a product is stored or displayed for sale must be cleaned up immediately and disposed of according to all applicable laws and regulations.

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Part 13. Restricted use pesticides.

- 13.1. Pesticides containing the following active ingredients when used as herbicides are hereby declared to be state restricted use pesticides that may be distributed only to licensed dealers, licensed applicators, or their authorized agents. State restricted use pesticides shall not be distributed to any applicator who is not licensed in the appropriate category to apply that pesticide.

- (a) Bromacil
- (b) Diuron
- (c) Monuron
- (d) Prometon
- (e) Sodium chlorate
- (f) Tebuthiuron
- (g) Sodium metaborate

- 13.2. Federal restricted use pesticides may be distributed only to licensed dealers, licensed applicators, or their authorized agents. Federal restricted use pesticides shall not be distributed to any applicator who is not licensed in the appropriate category to apply that pesticide.

- 13.3. Every pesticide dealer shall maintain at each licensed dealership location records of all transactions in which a state or federal restricted use pesticide is distributed by that dealership to any person. Records of each such transaction must be maintained for a period of 24 months after the date of the transaction, and must include the following information:

- (a) The name of the licensed applicator, to whom the pesticide was distributed, and the name and address of his or her principle place of business.
- (b) Either:
 - (1) The certification number on the document evidencing that person's certification, the State (or other governmental unit) that issued the

document, the expiration date of the certification, and the appropriate categories in which the applicator is certified; or

- (2) The pesticide dealer license number, if sold to another dealer.
- (c) The product name, EPA registration number, and the Colorado special local need registration number, granted under section 24(c) of the FIFRA (if any) on the label of the pesticide;
- (d) The quantity of the pesticide distributed in the transaction; and
- (e) The date of the transaction.
- (f) Restricted use pesticides may be distributed to a licensed applicator via an unlicensed person authorized by the licensed applicator to act as his or her agent for that purpose. If distribution is made through such an agent, the dealer records must also include:
 - (1) The name and current address of the authorized agent through which such distribution was made;
 - (2) A photo copy of the applicator's license document showing the categories of licensure.
 - (3) A signed statement from the licensed applicator authorizing the agent to receive delivery of restricted use pesticides on behalf of that applicator.

Designation of Authorized Agent of Licensed Pesticide Applicator

I am a licensed pesticide applicator and can legally obtain and use restricted use pesticides. I hereby authorize the following person to pick-up or accept delivery of restricted use pesticides on my behalf:

Name of licensed applicator: _____

Signature of licensed applicator: _____

Date of Signature: _____

Pesticide Applicator License Number: _____

License type:

- ☐ Licensed by Colorado Department of Agriculture (CDA) as a Qualified Supervisor
- ☐ Licensed by CDA as a private applicator
- ☐ Licensed by EPA region 8 as a private applicator

☐ other: _____

This authorization is in effect from the date of my signature as indicated above until:

(expiration date of this authorization) _____

AUTHORIZED AGENT:

Name: _____

Address: _____

